SF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 2003 KMA
v.	COMPLAINT FOR VIOLATION OF:
Isidro JOAQUIN-Antonio, Defendant(s)	Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **June 29, 2008,** within the Southern District of California, defendant **Isidro JOAQUIN-Antonio**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Marcela LUNA-Torres, Raul LUNA-Garcia, Jose Angel CEBALLOS-Cuevas,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **JULY 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Isidro JOAQUIN-Antonio

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Maria Marcela LUNA-Torres, Raul LUNA-Garcia, Jose Angel CEBALLOS-Cuevas,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 29, 2008, Border Patrol Agent C. Llamas and Border Patrol K. Zoetewey, were performing line-watch duties in the Imperial Beach Border Patrol Station area of responsibility. At approximately 10:10 a.m., the Agents responded to a report of the East scope operator of several bodies low-crawling north into an area known as the "W-8 tubes." This area is just north of the International Boundary Fence between the United States and Mexico and approximately 2 miles west of the San Ysidro, California Port of Entry.

Agents Zoetewey and Llamas responded to the area and open a man hole cover located on the east side of the Sewage Treatment Plant and entered the drainage tunnel. After a brief search, the Agents encountered 18 people hiding inside the tunnel. The Agents immediately identified themselves as United States Border Patrol Agents and questioned the individuals, including one later identified as the defendant **Isidro JOAQUIN-Antonio**, as to their citizenship and nationality. All eighteen, including the defendant, freely admitted to being citizens and nationals of Mexico without any immigration documents to be in the United States illegally. All eighteen individuals were arrested and transported to the Imperial Beach Border Patrol station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights. He stated he understood these rights and he was willing to make a statement without an attorney present. The defendant stated that he was told by an unknown smuggler named "Pareja" to guide the group north through the drainage tunnel. The defendant stated that he was going to pay $3,000 USD but if he guided the group he would get paid $50 for his services. The defendant stated that he knew that going into the drainage tunnel was risky and dangerous. The defendant stated that he was using his cellular phone light to guide the group north through the drainage tunnel because it was pitch black. The defendant stated that once out of the drainage tunnel he was going to receive periodic phone calls letting him know where to go. The defendant stated that a vehicle was eventually going to pick them up.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Maria Marcela LUNA-Torres, Raul LUNA-Garcia, Jose Angel CEBALLOS-Cuevas,** stated that they are citizens and nationals of Mexico illegally present in the United States without any immigration documents allowing them to be in the United States legally. The material witnesses stated that they or family members made arrangements in Tijuana, Baja California, Mexico in order to be smuggled into the United States and were to pay from $1,000.00 to $2,000.00 U.S. dollars.

The three material witnesses were shown a photographic line-up and they were able to identify the defendant **Isidro JOAQUIN-Antonio,** as the foot-guide.